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Attorneys for Defendant and Counterclaimant  
SENORX, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

HOLOGIC, INC., CYTIC CORPORATION  
and HOLOGIC L.P.,

Plaintiffs,

v.

SENORX, INC.,

Defendant.

CASE NO.: C08-0133 RMW (RS)

**DECLARATION OF NATALIE J.  
MORGAN PURSUANT TO CIVIL  
LOCAL RULE 79-5(D) IN PARTIAL  
SUPPORT OF PLAINTIFFS'  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL EXHIBITS O, Q, R, W, X,  
Y, Z, AA, BB, CC, DD, FF, GG, HH, II,  
KK, LL, NN, QQ, XX, YY, AND ZZ TO  
THE DECLARATION OF KATHARINE  
L. ALTEMUS IN SUPPORT OF  
PLAINTIFFS' REPLY BRIEF IN  
SUPPORT OF PENDING MOTION FOR  
PRELIMINARY INJUNCTION AND  
DESIGNATED PORTIONS OF  
PLAINTIFFS' REPLY BRIEF**

AND RELATED COUNTERCLAIMS

Date: April 21, 2008  
Time: 2:00 p.m.  
Ct. Rm: Courtroom 6, 4<sup>th</sup> Floor  
Judge: Hon. Ronald M. Whyte

1 I, Natalie J. Morgan, declare are follows:

2 1. I am an associate at the law firm Wilson Sonsini Goodrich & Rosati and a  
3 member of the Bar of this court, and I serve as one of the outside counsel for Defendant SenoRx,  
4 Inc. ("SenoRx"). The following declaration is based on my personal knowledge, as if called  
5 upon to testify, I could and would competently testify as to the matters set forth herein.

6 2. Pursuant to Civil L.R. 79-5(d), the information contained herein is submitted in  
7 partial support of Plaintiffs' Administrative Motion [Docket No. 81] to File Under Seal Exhibits  
8 O, Q, R, W, X, Y, Z, AA, BB, CC, DD, FF, GG, HH, II, KK, LL, NN, QQ, XX, YY and ZZ To  
9 The Declaration Of Katharine L. Altemus In Support Of Plaintiffs' Reply Brief In Support Of  
10 Pending Motion For Preliminary Injunction and designated portions of Plaintiffs' Reply Brief.  
11 These documents contain the confidential information of Defendant SenoRx, Inc. ("SenoRx").

12 3. Exhibits O (bearing bates numbers SRX-HOL00006590-6611), Q (bearing bates  
13 numbers SRX-HOL00004119-4128), R (bearing bates numbers SRX-HOL00006486-6497), W  
14 (bearing bates numbers SRX-HOL00006616-6686), X (bearing bates numbers SRX-  
15 HOL00007335-7348), AA (bearing bates numbers SRX-HOL00007202-7205), BB (bearing  
16 bates numbers SRX-HOL00007169-7187), CC (bearing bates numbers SRX-HOL00007192-  
17 7201), DD (bearing bates numbers SRX-HOL00007323-7334), GG (bearing bates numbers  
18 SRX-HOL00006575-6584), II (bearing bates numbers SRX-HOL00007316-7322), KK(bearing  
19 bates numbers SRX-HOL00005395-5429), LL (bearing bates numbers SRX-HOL00005538),  
20 NN (bearing bates numbers SRX-HOL00005563-5565), QQ (bearing bates numbers SRX-  
21 HOL00005492), XX (bearing bates numbers SRX-HOL00006882-6898), YY (bearing bates  
22 numbers SRX-HOL00003362-3379), and ZZ (bearing bates numbers SRX-HOL00000406-430)  
23 were each produced during the course of discovery in this case and were designated  
24 "CONFIDENTIAL – OUTSIDE COUNSEL ONLY" by SenoRx. These documents contain  
25 financial, business and/or technical information of SenoRx, and the distribution to the general  
26 public of these Exhibits could cause harm to SenoRx.

27 4. Exhibit Y contains excerpts from the deposition of William F. Gearhart which  
28 SenoRx designated as "highly confidential." These deposition excerpts contain business and

1 technical information of SenoRx, and the distribution to the general public of this Exhibit could  
2 cause harm to SenoRx.

3 5. Exhibit Z contains excerpts from the deposition of Philip Z. Israel, M.D., which  
4 SenoRx designated as "highly confidential." These deposition excerpts contain business and  
5 technical information of SenoRx, and the distribution to the general public of this Exhibit could  
6 cause harm to SenoRx.

7 6. Exhibit FF contains excerpts from the deposition of Roy Weinstein which SenoRx  
8 designated as "highly confidential." These deposition excerpts contain business and financial  
9 information of SenoRx, and the distribution to the general public of this Exhibit could cause  
10 harm to SenoRx.

11 7. Exhibit HH contains excerpts from the deposition of Douglas W. Arthur which  
12 SenoRx designated as "highly confidential." These deposition excerpts contain business and  
13 technical information of SenoRx, and the distribution to the general public of this Exhibit could  
14 cause harm to SenoRx.

15 8. SenoRx confirms that designated selections of Plaintiffs' Reply Brief In Support  
16 Of Motion For Preliminary Injunction contain information designated as "Confidential-Outside  
17 Counsel Only" by SenoRx and that such information is internal, confidential and sensitive to  
18 SenoRx, the distribution of which to the general public could cause harm to SenoRx.

19 9. Plaintiffs' Administrative Motion and the Declaration of Katharine Altemus in  
20 support thereof seek for Exhibit U (deposition excerpts) to the Declaration of Katharine Altemus  
21 to be filed under seal as information that has been designated confidential by SenoRx. SenoRx  
22 has not designated the deposition excerpts that are Exhibit U as confidential and therefore,  
23 pursuant to Civil L.R. 79-5(d), withdraws the designation of confidentiality and states that  
24 Exhibit U need not be maintained under seal.

25 I declare under penalty of perjury that the foregoing is true and correct.

26 Dated: April 22, 2008

27 By: s/Natalie J. Morgan  
28 Natalie J. Morgan

CERTIFICATE OF SERVICE

U.S. District Court, Northern District of California,  
*Hologic, Inc. et al. v. SenoRx, Inc.*  
Case No. C-08-0133 RMW (RS)

I, Kirsten Blue, declare:

I am and was at the time of the service mentioned in this declaration, employed in the County of San Diego, California. I am over the age of 18 years and not a party to the within action. My business address is 12235 El Camino Real, Ste. 200, San Diego, CA, 92130.

On April 22, 2008, I served a copy(ies) of the following document(s):

**DECLARATION OF NATALIE J. MORGAN PURSUANT TO CIVIL LOCAL  
RULE 79-5(D) IN PARTIAL SUPPORT OF PLAINTIFFS' ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL EXHIBITS O, Q, R, U, W, X, Y, Z, AA, BB,  
CC, DD, FF, GG, HH, II, KK, LL, NN, QQ, XX, YY, AND ZZ TO THE  
DECLARATION OF KATHARINE L. ALTEMUS IN SUPPORT OF  
PLAINTIFFS' REPLY BRIEF IN SUPPORT OF PENDING MOTION FOR  
PRELIMINARY INJUNCTION**

on the parties to this action by placing them in a sealed envelope(s) addressed as follows:

Henry C. Su (suh@howrey.com)  
Katharine L. Altemus (altemusk@howrey.com)  
HOWREY LLP  
1950 University Avenue, 4th Floor  
East Palo Alto, CA 94303  
Telephone: (650) 798-3500  
Facsimile: (650) 798-3600

Attorneys for Plaintiffs  
HOLOGIC, INC. CYTYC  
CORPORATION and  
HOLOGIC LP

Matthew Wolf (wolfm@howrey.com)  
Marc Cohn (cohnm@howrey.com)  
HOWREY LLP  
1229 Pennsylvania Avenue, NW  
Washington, DC 20004  
Telephone: (202) 783-0800  
Facsimile: (202) 383-6610

Attorneys for Plaintiffs  
HOLOGIC, INC. CYTYC  
CORPORATION and  
HOLOGIC LP

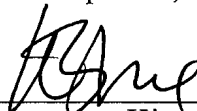
☐ (BY MAIL) I placed the sealed envelope(s) for collection and mailing by following the ordinary business practices of Wilson Sonsini Goodrich & Rosati, 12235 El Camino Real, Ste. 200, San Diego, CA. I am readily familiar with WSGR's practice for collecting and processing of correspondence for mailing with the United States Postal Service, said practice being that, in the ordinary course of business, correspondence with postage fully prepaid is deposited with the United States Postal Service the same day as it is placed for collection.

☒ (BY ELECTRONIC MAIL) I caused such document(s) to be sent via electronic mail (email) to the above listed names and email addresses.

☐ (BY PERSONAL SERVICE) I caused to be delivered by hand to the addressee(s) noted above. I delivered to an authorized courier or driver to be delivered on the same date. A proof of service signed by the authorized courier will be filed with the court upon request.

- 1 ☐ (BY OVERNIGHT DELIVERY) I placed the sealed envelope(s) or package(s), to the  
2 addressee(s) noted above, designated by the express service carrier for collection and  
3 overnight delivery by following the ordinary business practices of Wilson Sonsini  
4 Goodrich & Rosati, 12235 El Camino Real, Ste. 200, San Diego, CA. I am readily  
5 familiar with WSGR's practice for collecting and processing of correspondence for  
6 overnight delivery, said practice being that, in the ordinary course of business,  
7 correspondence for overnight delivery is deposited with delivery fees paid or provided for  
8 at the carrier's express service offices for next-day delivery the same day as the  
9 correspondence is placed for collection.
- 6 ☐ (BY FACSIMILE) I caused to be transmitted by facsimile machine (number of sending  
7 facsimile machine is (858) 350-2399 at the time stated on the attached transmission  
8 report(s) by sending the documents(s) to (see above). The facsimile transmission(s)  
9 was/were reported as complete and without error.
- 8 ☒ (BY CM/ECF) I caused such document(s) to be sent via electronic mail through the Case  
9 Management/Electronic Case File system with the U.S. District Court for the Northern  
District of California.

10 I declare under penalty of perjury under the laws of the United States that the above is true  
11 and correct, and that this declaration was executed on April 22, 2008.

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13 \_\_\_\_\_  
Kirsten Blue

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

HOLOGIC, INC., CYTIC CORPORATION and )  
HOLOGIC L.P., )  
Plaintiffs, )  
v. )  
SENORX, INC., )  
Defendant. )  
\_\_\_\_\_)  
AND RELATED COUNTERCLAIMS )  
\_\_\_\_\_)

CASE NO.: C08-0133 RMW (RS)  
**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
EXHIBITS O, Q, R, W, X, Y, Z, AA,  
BB, CC, DD, FF, GG, HH, II, KK, LL,  
NN, QQ, XX, YY, AND ZZ TO THE  
DECLARATION OF KATHARINE L.  
ALTEMUS IN SUPPORT OF  
PLAINTIFFS' REPLY BRIEF IN  
SUPPORT OF PENDING MOTION  
FOR PRELIMINARY INJUNCTION  
AND DESIGNATED PORTIONS OF  
PLAINTIFFS' REPLY BRIEF**

1 The Court, having considered Plaintiff's Administrative Motion to File Under Seal and  
2 SenoRx, Inc.'s ("SenoRx") Declaration of Natalie J. Morgan in partial support of Plaintiffs'  
3 Administrative Motion to File Under Seal Exhibits O, Q, R, W, X, Y, Z, AA, BB, CC, DD, FF,  
4 GG, HH, II, KK, LL, NN, QQ, XX, YY and ZZ To The Declaration Of Katharine L. Altemus In  
5 Support Of Plaintiffs' Reply Brief In Support Of Pending Motion For Preliminary Injunction  
6 And Designated Portions Of Plaintiffs' Reply Brief, finds that good cause exists pursuant to  
7 Civil Local Rule 79-5 and hereby orders that the Motion is GRANTED except as to Exhibit U to  
8 the Declaration of Katharine L. Altemus which shall not be maintained under seal.

9 The clerk shall maintain the following under seal:

10 1) Exhibits O, Q, R, W, X, Y, Z, AA, BB, CC, DD, FF, GG, HH, II, KK, LL, NN, QQ,  
11 XX, YY and ZZ To The Declaration Of Katharine L. Altemus In Support Of Plaintiffs' Reply  
12 Brief In Support Of Pending Motion For Preliminary Injunction; and

13 2) designated selections of Plaintiffs' Reply Brief In Support Of Motion For Preliminary  
14 Injunction.

15 It is SO ORDERED

16  
17 Dated: \_\_\_\_\_, 2008

18 By: \_\_\_\_\_  
19 Honorable Ronald M. Whyte  
20 United States District Court Judge  
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CERTIFICATE OF SERVICE

U.S. District Court, Northern District of California,  
*Hologic, Inc. et al. v. SenoRx, Inc.*  
Case No. C-08-0133 RMW (RS)

I, Kirsten Blue, declare:

I am and was at the time of the service mentioned in this declaration, employed in the County of San Diego, California. I am over the age of 18 years and not a party to the within action. My business address is 12235 El Camino Real, Ste. 200, San Diego, CA, 92130.

On April 22, 2008, I served a copy(ies) of the following document(s):

**[PROPOSED] ORDER GRANTING PLAINTIFFS' ADMINISTRATIVE MOTION TO FILE UNDER SEAL EXHIBITS O, Q, R, U, W, X, Y, Z, AA, BB, CC, DD, FF, GG, HH, II, KK, LL, NN, QQ, XX, YY, AND ZZ TO THE DECLARATION OF KATHARINE L. ALTEMUS IN SUPPORT OF PLAINTIFFS' REPLY BRIEF IN SUPPORT OF PENDING MOTION FOR PRELIMINARY INJUNCTION**

on the parties to this action by placing them in a sealed envelope(s) addressed as follows:

Henry C. Su (suh@howrey.com)  
Katharine L. Altemus (altemusk@howrey.com)  
HOWREY LLP  
1950 University Avenue, 4th Floor  
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Matthew Wolf (wolfm@howrey.com)  
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1229 Pennsylvania Avenue, NW  
Washington, DC 20004  
Telephone: (202) 783-0800  
Facsimile: (202) 383-6610

Attorneys for Plaintiffs  
HOLOGIC, INC. CYTYC  
CORPORATION and  
HOLOGIC LP

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☐ (BY OVERNIGHT DELIVERY) I placed the sealed envelope(s) or package(s), to the addressee(s) noted above, designated by the express service carrier for collection and

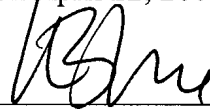


1 overnight delivery by following the ordinary business practices of Wilson Sonsini  
2 Goodrich & Rosati, 12235 El Camino Real, Ste. 200, San Diego, CA. I am readily  
3 familiar with WSGR's practice for collecting and processing of correspondence for  
4 overnight delivery, said practice being that, in the ordinary course of business,  
correspondence for overnight delivery is deposited with delivery fees paid or provided for  
at the carrier's express service offices for next-day delivery the same day as the  
correspondence is placed for collection.

5 ☐ (BY FACSIMILE) I caused to be transmitted by facsimile machine (number of sending  
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7 ☒ (BY CM/ECF) I caused such document(s) to be sent via electronic mail through the Case  
8 Management/Electronic Case File system with the U.S. District Court for the Northern  
District of California.

9 I declare under penalty of perjury under the laws of the United States that the above is true  
10 and correct, and that this declaration was executed on April 22, 2008.

11 

12 Kirsten Blue